

# Alexander M. Bickel, 49, Professor, Authority on Constitutional Law

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By Martin Weil

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Alexander M. Bickel, 49, a Yale University law professor who was one of the nation's most influential academic experts on constitutional questions, died of cancer Thursday in New Haven.

A pungent and powerful speaker and writer of great intellectual force, Mr. Bickel was heard, seen, read and consulted often on the great constitutional issues of the past decade.

In national debates over such questions as impeachment, Watergate, war powers of the President, the powers of Congress versus those of the courts, school integration and busing, Mr. Bickel shaped the thinking of law students and government policymakers alike, by appearances in court and before congressional committees, through articles in publications such as the *New Republic* and as law school lecturer and legal adviser.

In addition to serving as a consultant to the Senate Watergate committee, Mr. Bickel, a professor at Yale since 1956, gained public exposure when he represented *The New York Times* in the *Pentagon Papers* case in 1971.

While acting and speaking within the framework of a strong general sympathy for what might be considered

liberal causes, Mr. Bickel was often seen as something of a conservative in his approach to specific cases, his interpretation of particular points of doctrine and his view of the judiciary's proper role in the American political system.

Many legal observers considered him an heir and exponent of the legal philosophy of the late Supreme Court Justice Felix Frankfurter, whom he served as a law clerk during 1952-53.

Wary of federal court action on matters that he viewed as better left to Congress and the political process, Mr. Bickel expressed the position in a 1962 book, *"The Least Dangerous Branch."*

Similarly, in his 1970 work, *"The Supreme Court and the Idea of Progress,"* he argued that the high court, in what he saw as an excessive fervor to achieve "progress," had unwisely extended its authority beyond the true scope of its power.

In 1972, when Congress was considered an anti-busing amendment to the Constitution, he helped some congressmen draft a bill as a substitute, calling for Congress to help communities provide better education that would be desegregated but achieved without busing.

In the *Pentagon Papers*

case, rather than raise the issue of whether newspapers could ever be kept from publishing information they possessed, he argued successfully that the government had not offered a valid reason in that case for barring publication.

Chief Justice Warren Burger last night called his death "a great loss to the law and the country."

Alexander Mordecai Bickel was born in Romania and came to this country in 1939. Naturalized in 1943, he served in the Army and held the Combat Infantry badge.

He graduated from the City College of New York in 1947 and Harvard law school in 1949.

Survivors include his wife, the former Josephine Ann Napolino, and two daughters, Francesca and Claudia.